

Message Text

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ACTION DLOS-04

INFO OCT-01 ARA-06 IO-10 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 OIC-02 AF-06 EA-07 EUR-12 NEA-10 /147 W
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P 291928Z AUG 75

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 5532

INFO AMEMBASSY MEXICO CITY

USUN NEW YORK 2311

C O N F I D E N T I A L GENEVA 6720

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: PRIVATE CONSULTATIONS DURING EVENSEN GROUP MEETING

1. USDEL MEMBER LEITZELL MET INFORMALLY WITH ANDRES ROZENTAL OF MEXICO TO DISCUSS MARINE POLLUTION ISSUES. ON OTHER MATTERS, ROZENTAL SAID CASTENADA WAS GOING TO MEXICO CITY AT CONCLUSION OF EVENSEN GROUP MEETINGS FOR CONSULTATIONS ON MEXICAN 200-MILE BILL. HE SAID GOM WAS CONSIDERING RANGE OF OPTIONS FOR BILL INCLUDING DELAYED EFFECTIVE DATE AND CHARACTERIZATION OF BILL AS EASING TRANSITION TO LOS TREATY REGIME. BILL WILL NOT INCLUDE CONTROLS OVER OTHER RESOURCES OR OTHER MATTERS SUCH AS POLLUTION OR RESEARCH.

2. ROZENTAL ALSO COMMENTED ON EVENSEN GROUP PROCEDURE, EXPRESSING DISAPPOINTMENT THAT THERE WOULD BE NO OPPORTUNITY FOR SECOND READING OF PAPERS PRODUCED BY EVENSEN ON
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SCIENTIFIC RESEARCH AND MARINE POLLUTION. HE SAID MEXICAN

DEL WOULD PROPOSE THAT NEXT MEETING BE EXPANDED TO THREE WEEKS WITH FIRST WEEK TAKEN UP BY SECOND READING OF EVENSEN PAPER ON SCIENTIFIC RESEARCH AND MARINE POLLUTION AND LAST TWO WEEKS BEING SPENT ON CERTAIN COMMITTEE II QUESTIONS. THIRD MEETING OF EVENSEN GROUP COULD THEN HAVE SECOND READING ON COMMITTEE II MATTERS AND FINAL READING ON BOTH COMMITTEE II AND COMMITTEE III MATTERS.

3. ROZENTAL, VALLARTA (CHAIRMAN OF COMMITTEE III WORKING GROUP ON POLLUTION) AND LEITZELL AND COOK DISCUSSED VALLARTA SETTING UP SMALL GROUP TO EXCHANGE VIEWS PRIOR TO EVENSEN GROUP DISCUSSIONS OF MARINE POLLUTION. VALLARTA DID SO AND GROUP MET ON AUGUST 27 AND 28 WITH UK, AUSTRALIA, USSR, NIGERIA, SPAIN, MEXICO, CANADA, JAPAN, NORWAY, INDIA AND US ATTENDING.

4. DISCUSSION IN SMALL GROUP CENTERED ON VESSEL SOURCE POLLUTION ISSUES. ON ARTICLE 20(3) ON STANDARD-SETTING ON TERRITORIAL SEA, USSR SAID IT WOULD NOT RPT NOT PUSH HARD FOR PROHIBITION ON COASTAL STATE DESIGN, CONSTRUCTION, EQUIPMENT AND MANNING STANDARDS IF LAST SENTENCE WAS RETAINED REQUIRING THAT INNOCENT PASSAGE NOT BE HAMPERED. UK AGREED WITH USSR, SAYING IT PREFERRED A RESTRICTION ON COASTAL STATE AUTHORITY BUT THAT LAST SENTENCE WAS MOST IMPORTANT POINT. JAPAN SAID IT HAD NOT DECIDED ITS POSITION. THIS REPRESENTS FIRST INDICATION OF MARITIME FLEXIBILITY ON TERRITORIAL SEA STANDARDS. MEXICO, SPAIN, CANADA, AUSTRALIA AND NIGERIA EXPRESSED DOUBTS ABOUT THIRD SENTENCE WHILE USSR AND US INDICATED IT WAS CRITICAL.

5. ON ARTICLE 20(4), MEXICO, CANADA AND AUSTRALIA INDICATED DESIRE TO HAVE SOME PROCEDURE FOR COASTAL STATES TO SET DISCHARGE STANDARDS IN SPECIAL AREAS. MEXICO SAID ITS ATTITUDE ON THE NEED FOR COASTAL STATE STANDARD-SETTING WAS TIED DIRECTLY TO WHETHER MARITIME STATES WERE WILLING TO MORE SUBSTANTIALY ON COASTAL STATE ENFORCEMENT RIGHTS. US INDICATED THAT ANY COMPROMISE ON VESSEL POLLUTION MUST INCLUDE NO COASTAL STATE STANDARD-SETTING AUTHORITY BEYOND TERRITORIAL

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SEA.

6. ON ARTICLE 20(5), ALL AGREED TO DEFER DISCUSSION PENDING OUTCOME OF CONSULTATIONS AMONG INTERESTED STATES.

7. ON ARTICLE 27, US POSITION ON UNIVERSAL PORT STATE ENFORCEMENT WAS STRONGLY SUPPORTED BY MEXICO, CANADA,

AND AUSTRALIA. JAPAN AND UK SUPPORTED AREA LIMITATION
IN SINGLE TEXT.

8. ON COASTAL STATE ENFORCEMENT, MEXICO (ROZENTAL)
REITERATED THAT IT COULD CONSIDER COMPROMISE ENTAILING
NO COASTAL STATE STANDARDS ONLY IF THERE WERE MAJOR
MOVEMENT BY MARITIMES ON COASTAL STATE ENFORCEMENT.
VALLARTA STATED THAT AS CHAIRMAN HE PERSONALLY FAVORED
SUCH A COMPROMISE. AUSTRALIA, HOWEVER, INDICATED
THAT IT DID NOT BELIEVE THAT ENFORCEMENT RIGHTS WERE
SUFFICIENT COMPENSATION FOR LACK OF STANDARD-SETTING
RIGHTS IN SPECIAL AREAS.

9. DURING GENERAL DISCUSSION OF ADEQUACY OF IMCO
PROCESS TO MEET NEW NEEDS, MEXICO AND NORWAY SUGGESTED
NEED TO CONSIDER ALTERNATIVE INTERNATIONAL REVIEW AND
APPROVAL PROCEDURES WHICH MIGHT BE AVAILABLE TO COASTAL
STATES FOR SPECIAL AREAS.

10. ON SAFEGUARDS, MEXICO INDICATED THAT IT WAS
FLEXIBLE AND COULD EVEN ACCEPT FLAG STATE PRE-EMPTION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WATER POLLUTION, DIPLOMATIC DISCUSSIONS, EVENSEN GROUP, OCEANOGRAPHIC RESEARCH
Control Number: n/a
Copy: SINGLE
Draft Date: 29 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA06720
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750300-0253
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975086/aaaaaetm.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUN 2003 by CunninFX>; APPROVED <06 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: PRIVATE CONSULTATIONS DURING EVENSEN GROUP MEETING
TAGS: PLOS, (ROZENTAL, ANDRES)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006